App. F. IX-4

Previous References

File No. 149-40

Serial Nos. 1 – 2

Later References.

GENERAL AND REVENUE SECRETARIAT.

SUBJECT.

Additions to the list of cases to be entered in Register No. III Civil & Miscellaneous Cases printed on pages 11 and 12 of Vol II Civil Rule of Practice and Circular Orders 1936

Serial No.

From

The Registrar High Court

No Roc 1487/39-40 Dt 27.11.40

Requests sanction to make certain additions to the list of cases to be entered in Register No III (civil) of Miscellaneous Cases, printed on pages 11 and 12 of Vol II, Civil Rules of practice and Circular orders (1936)

Submitted with a draft of a G.O.

TYPING SECTION 4 JAN 1941 GEN. & REV. SECTT.

CAN 2/1/41

May be approved

La Secy (Ag) 3 2/1/41

Hm 2 3/1/41

3 3/1/4

Issues No P 3446 Dt 7.1.41

R. O. C. No. 1487 39-40

Enc: one

Public Office Buildings, Cubbon Park,

Bangalore, 26th November 1940

27

SECY. FROM DEPT. 25 NOV 1940 GOVT OF MYSORE

T. Shamiengar, Esq., B.A., B.L.,
~~A. Sundararaja Rao, Esq., B.A., B.L.,~~
~~S. Venkata Ranga Iyengar, Esq., B.A., LL.M.,~~
Registrar, High Court of Mysore.

To

H.V. Narayana Rao, Esq., B.A., LL.B.,
Secretary to Government,
Law Department,
Bangalore.

Read 4/12

SIR

I am directed to state that the High Court proposes to make two additions, shown in the margin, to the list of the kinds of cases to be entered in Register No. III (Civil) of Miscellaneous Cases, printed on pages 11 and 12 of Volume II, Civil Rules of Practice and Circular Orders (1936).

Applications under Section 42 A of the Co-operative Societies Act, 1918.
Cases under Section 26 of the Legal Practitioners' Act, 1884 (to be included in cases under that Act).

In this connection it has been found that, though the Registers for Civil Courts were prescribed under a Rule of Practice with the previous sanction of the Government, as required by the Code of Civil Procedure, by some oversight no sanction was obtained in respect of the instructions printed on pages 11 and 12 of Volume II, Civil Rules of Practice and Circular Orders, as should have been done. By mistake those instructions were issued in the form of a circular and amendments of it. It is desirable that this opportunity should be taken to sanction the whole list of instructions, which has now been revised and corrected.

I am therefore to request that the list of cases to be entered in the said Register No. III now proposed and shown in the

enclosure may be sanctioned by the Government as required by Section 130 of the Code of Civil Procedure.

I have the honour to be,

Sir,

Your most obedient servant,

J. Shanmugam

REGISTRAR.

All miscellaneous (judicial) cases, which require a judicial inquiry or order, but for which no separate register is prescribed, should be entered in this register The following list shows the cases which are to be entered in this register:-

1. Cases in which a plaint or memorandum of appeal is rejected before registration in the Register of Civil Suits or in the Register of Appeals, as the case may be;

2. Applications under Section 22 or 24, C.C.P., to transfer suits, appeals, or other proceedings pending in a subordinate Court;

3. Applications under Order IX, Rule 4, 9 or 13, Order XXII, Rule 9, Order XXV, Rule 2, or Order XLI, Rule 19 or 21, for the restoration to file of a suit or appeal dismissed on default or decreed ex parte;

4. Proceedings under Order XVI, Rule 12 or 17, C.C.P.;

5. Cases under Section 47, C.C.P., i.e. all applications other than applications for the execution of a decree which arise between the parties and relate to the execution, discharge, or satisfaction of the decree;

/Note.---(1) Applications for the ascertainment of mesne profits should not be registered as miscellaneous cases but should be regarded as applications made in the course of the trial of the suit - Vide Order XX, Rule 12,

(2) Applications by decree-holders or by judgment-debtors reporting satisfaction must be numbered as miscellaneous cases/

6. Inquiries under Order XXI, Rule 2, C.C.P., in regard to payments or adjustments alleged to have been made;

7. Claims and objections to the attachment of property under Order XXI, Rule 58, C.C.P., and claims to property attached before judgment under Order XXXVIII, Rule 8, C.C.P.;

/Note. Applications under Order XXI, Rule 89, 90 or 91, C.C.P., to set aside a sale in execution of a decree are to be treated as parts of the execution cases and not entered as separate miscellaneous cases.

8. Applications for delivery of property under Order XXI, Rule 95 or 96 C.C.P.,

9. Complaints by decree-holders or purchasers under Section 74 and Order XXI, Rule 97, C.C.P., of resistance to delivery of possession;

10. Applications under Order XXI, Rule 100, C.C.P.;

11. Commissions for the examination of witnesses under Order XXVI, Rule 4, C.C.P., received from other Courts;

12. Applications under Order XXXIII, Rule 1, Order XLI, Rule 22, or Order XLIV, Rule 1, C.C.P., for permission to sue or appeal as a pauper;

13. Inquiries under Order XLIV, Rule 2, C.C.P., int the pauperism of the appellant or the respondent, as the case may be, made under the orders of the appellat Court by the Court from whose decision the appeal or cross-objection is preferred;

14. Applications under Order XLVII, Rule 1, C.C.P., for review of judgment;

15. References to the High Court under Order XLVI, Rule 7, C.C.P.; and applications for such references;

16. Applications for the grant, revocation or annulment of probate and letters of administration under the Indian Succession Act, 1865, or the Probate and Administration Act, 1914;

17. Cases under the Legal Practitioner's Act, 1884;

18. Applications for certificates under the Succession Certificate Act. 1901:

19. Applications under the Guardians and Wards Act 1911;

20. Cases under Sections 195, 476, 478 or 480 of

the Code of Criminal Procedure;

21. Applications under the Companies' Act, 1938;

22. Applications under the Lunacy Act, 1916;

23. Cases regarding discharge of incumbrances on sales under Section 57, and redemption and foreclosure of mortgages under Section 83 of the Transfer of Property Act, 1918;

24. Cases under Parts III and IV of the Land Acquisition Act, 1894;

25. Applications under Section 20 of the City Municipalities Act, 1933, or Section 20 of the Town Municipalities Act, 1933, or Section 11 of the Minor Municipalities Act, 1933;

26. Applications under Section 61 of the Stamp Act, 1900;

27. Applications under Section 20, 67 or 73 of the Village Courts' Act, 1913;

28. Proceedings under the Arbitration Act, 1917;

29. Proceedings under the Government of Mysore Act, 1940;

30. Applications under Section 14 of the District

Board Act, 1926;

31. Applications under Section 187-A of the Land Revenue Code;

32. Applications under Section 42-A of the Co-operative Societies Act, 1918.

REGISTRAR.

G. R. S. App. F VI—G 2]

SUBJECT .....

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Diary. No. of letter replied to.....

Section Courts.

File No. 149-40

Serial No. 2

General and Revenue Secretariat

( )

the *193*

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue.....2/1/41.....193

Signed by .....Mr. K.P.P.....

Read—

Letter No Roc 1487/39-40 Dy 29. 11. 1940 from the Registrar High Court of Mysore requesting sanction to make certain additions to the list of Cases to be entered in Register No III ~~Order thereon.—No.~~ (Civil) of Miscellaneous Cases printed on pages 11 and 12 of Vol II Civil Rules of practice and Circular orders, (1936)

May this be—

(i) printed ?

(ii) treated as a standing order ?

(iii) published in the Gazette, English Part ?

(iv) translated ?

(v) placed at the disposal of the press ?

(vi) published in the Gazette, Kannada Part ?

The approved list is appended to this Order

Secretary to Govt
Law Dept
31/1/41

To

The Registrar High Court

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Read :—

Letter No.ROC.1487/39-40, dated the 29th November 1940 from the Registrar, High Court of Mysore requesting sanction to make certain additions to the list of cases to be entered in Register No.III (Civil) of Miscellaneous cases printed on pages 11 and 12 of Volume II Civil Rules of Practice and Circular (1936.)

...

Order No. P 3446 CS-169-40-2
Secl.

Dated the, Bangalore, 7th January 1941

Sanctioned.

The approved list is appended to this order.

for Secretary to Government,
Law Department.

To

The Registrar,
High Court of Mysore,
Mysore.

All miscellaneous (judicial) cases, which require a judicial inquiry of order but for which no separate register is prescribed, should be entered in this register. The following list shows the cases which are to be entered in this register: -

1. Cases in which a plaint or memorandum of appeal is rejected before registration in the Register of Civil Suits or in the Register of appeals, as the case may be;

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3. Applications under Order IX, Rule 4, 9 or 13, Order XXII, Rule 9, Order XXV, Rule 2, or Order XLI, Rule 19 or 21, for the restoration to file of a suit or appeal dismissed on default or decreed ex parte.

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5. Cases under Section 47, C.C.P., i.e., all applications other than applications for the execution of a decree, which arise between the parties and relate to the execution, discharge, or satisfaction of the degree;

Note:- (1) Applications for the ascertainment of mesne profits should not be registered as miscellaneous cases but should be regarded as applications made in the course of the trial of the suit - Vide Order XX, Rule 12, C.C.P.

(2) Applications by decree-holders or by judgment debtors reporting satisfaction must be numbered as miscellaneous cases.

(6) Inquiries under Order XXI, Rule 2, C.C.P., in regard to payments or adjustments alleged to have been made;

(7).Claims and objections to the attachment of property under Order XXI, Rule 58, C.C.P., and claims to property attached before judgment [illegible] Order XXXVIII, Rule 8, C.C.P

Note:- Applications under Order XXI, Rule 89, 90 or 91, C.C.P., to set aside a sale in execution of a decree are to be treated as parts of the execution cases and not entered as separate miscellaneous cases.

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9. Complaints by decree-holders or purchasers under Section 74 and Order XXI, Rule 97, C.C.P., of resistance to delivery of possession;

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13. Inquiries under Order XLIV, Rule 2, C.C.P., into the pauperism of the appellant or the respondent, as the case may be, made under the orders of the appellate Court by the Court from whose decision the appeal or cross-objection is preferred;

14. Applications under Order XLVII, Rule 1, C.C.P., for review of judgment;

15. References to the High Court under Order XLVI, Rule 7, C.C.P., and applications for such references;

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17. Cases under the Legal Practitioner's Act, 1884;

18. Applications for certificates under the Succession Certificate Act, 1901;

19. Applications under the Guardians and Wards Act, 19-

20. Cases under Sections 195, 476, 478 or 480 of the Code of Criminal Procedure;

21. Applications under the Companies' Act 1938;

22. Applications under the Lunacy Act, 1916;

23. Cases regarding discharge of incumbrances on sales under Section 57, and redemption and foreclosure of mortgages unde Section 83 of the Tranfer of Property Act, 1918;

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25. Applications under Section 20 of the City Municipalities Act, 1933, or Section 20 of the Town Municipalities Act, 1933 or Section 11 of the Minor Municipalities Act, 1933;

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30. Applications under Section 14 of the District Board Act, 1926;

31 Applications under Section 187-A of the Land Revenue Code;

32. Applications under Section 42-A of the Co-operative Societies Act, 1918.